

Rosemarie S. Baccile, Acting Executive Director

State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR)
Contractors

Meeting # 36 - Tuesday, April 5, 2016 - Public Meeting - Minutes

The Minutes of the Board meeting held on April 5, 2016 have not been formally approved and are subject to change or modification by the Public Body at its next scheduled meeting.

The notice of the April 5, 2016 meeting has been mailed to the Star Ledger, Camden Courier Post, and Trenton Times newspapers, and has also been posted on the Bulletin Board at the Office of the Secretary of State, Trenton, New Jersey.

The Board meeting of April 5, 2016 was called to order at 9:00 am with the following Members in attendance:

Michael K. Maloney, Chairman, Mechanical Inspector 2

Dominic D. Demico, Jr. - Mechanical Inspector 1

Paul J. Mitchell - Master HVACR Contractor 3 - Board Secretary

Mary Pranzatelli - Public Member 2 (absent)

Thomas C. Pitcherello
Executive Branch of State Government Representative

Kevin S. Clark - Master HVACR Contractor 1

William C. Barham – Master HVACR Contractor 2 (absent)

Daniel G. Danko, Jr. - HVACR Journeyperson - Vice-Chairman

Board Complement: (9):

As of this meeting date, one (1) vacancy remains for a Public Member with the resignation of Mr. Griffith.

Attendees:

Joseph A. Donofrio, Counseling Deputy Attorney General (DAG)

Rosemarie Baccile, Acting Executive Director

Jamie Hall, Agency Services Representative

Court Reporter: Charles Senders, State Shorthand Reporters 732-531-9500

Public Session Visitors:

Donald Jones

Jeffrey Berger, UA Local 322

Scott Bishop, TRV Mechanical

Peter Hammer, North Bergen Bldg Dept.

Garrett Pepe, Rutherford Bldg Dept.

Eric DeGesero, FMA, NJ

Dave Castner, SMWA L 22

Paul Leonardi, Camden County College

Keith Konopka, # 3340,

Jeffrey Giesberg, Experience Safety Consulting

Patrick Stewart, NJACCA

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1. CALL TO ORDER
 2. ROLL CALL [two absent members]
 3. ON-LINE LICENSING APPLICATIONS UPDATE As of March 21, 2016

Licensed Master HVACR Contractors by Grandfathering: 19HC00791900

Application Review: 12,419- Total applicants by grandfathering

Total applicants in Deficiency Cue: 1,029 - These applicants have been notified by a deficiency letter that documents are required:

(- 668) Active in Criminal History Review – Also have been notified = 361 applicants remaining in deficiency cue.

2,161 Active in Post Board Review/ Waiting on Bonds, license fees and processing.

Licensed Master HVACR Contractors BY EXAM: 137(61 Denied) (4 Approved)

Reciprocity Applicants: 136- Pending Board Review with Regulatory Analyst

4. APPROVAL OF THE MARCH 1, 2016 MINUTES

A motion was made by Daniel G. Danko, Jr. and seconded by Thomas C. Pitcherello, to approve the minutes of the March 1, 2016 meeting. A vote was taken and the motion unanimously passed.

5. ELECTIONS- 2016 - The Board elected its officers for 2016:

It is noted that NJSA 45:16A-3 State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors outlines the Board complement and its members; however, the statutes and regulations do not include any requirements for the election of Board officers. Absent a statute or regulation, the Board agreed on May 5, 2015, to hold elections on a yearly basis, in a motion made by William C. Barham and seconded by Dominic D. Demico, Jr. A vote was taken and the motion unanimously passed.

CHAIRMAN

Daniel G. Danko, Jr. nominated Michael Maloney for Chairman.
The nomination was seconded by Kevin S. Clark.
A vote was taken and the motion unanimously passed.
Michael Maloney accepted the nomination.

VICE-CHAIRMAN

Kevin S. Clark nominated Daniel G. Danko as Vice-Chairman.
The nomination was seconded by Thomas C. Pitcherello.
A vote was taken and the motion unanimously passed.
Daniel G. Danko accepted the nomination.

SECRETARY

Kevin S. Clark nominated Paul J. Mitchell as Board Secretary.
The nomination was seconded by Dominic D. Demico, Jr.
A vote was taken and the motion unanimously passed.
Paul J. Mitchell accepted the nomination.

CLOSING

A motion was made by Dominic D. Demico, Jr. and seconded by Daniel G. Danko to close all nominations. A vote was taken and the motion unanimously passed.

6. CONTINUING EDUCATION
WELCOMING CONTINUING EDUCATION SPONSORS

All Licensed Master HVACR Contractors are exempt from the Continuing Education (5) five hour requirement for their first biennial renewal according to N.J.A.C 13:32A-4.1 License Renewal; Continuing Education Requirement.

Those licensees renewing for the first biennial renewal period for their Master HVACR contractor's license for the July 1, 2016 to June 30, 2018 biennial are therefore exempt.

All Master HVACR Contractors renewing for their subsequent biennial renewal, July 1, 2018 to June 30, 2020 must complete five (5) hours of CE.

This requirement must be met before the next renewal date of July 1, 2018.

To assist Master HVACR Contractors with meeting the (5) hour Continuing Education requirement, the Board will approve CE Sponsors and courses and post that information at the HVACR website, once available.

The following individuals have submitted their requests and resumes for consideration to teach HVACR continuing education:

A. Donald M. Jones, Master HVACR Contractor #19HC00023500
CE SPONSOR REQUEST

On April 5, 2016, Donald M. Jones was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Daniel G. Danko, Jr. and seconded by Dominic D. Demico, Jr. to approve Mr. Jones as a CE Sponsor. A vote was taken and the motion unanimously passed.

B. Jeffrey Berger, Licensed Master Plumber #36BI001302500
Master HVACR Contractor #19HC00199500
Training Coordinator
UA Local 322 Plumbers & Pipefitters
CE SPONSOR REQUEST

On April 5, 2016, Jeffrey Berger was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Kevin S. Clark and seconded by Paul J. Mitchell to approve Mr. Berger as a CE Sponsor. A vote was taken and the motion unanimously passed.

6. CONTINUING EDUCATION - Continued

C. Jeffrey Giesberg, Master HVACR Contractor Applicant # 1871348
CE SPONSOR REQUEST

On April 5, 2016, Jeffrey Giesberg was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Kevin S. Clark and seconded by Thomas C. Pitcherello to approve Mr. Giesberg as a CE Sponsor.

A vote was taken and the motion unanimously passed.

D. Garrett R. Pepe, Master HVACR Contractor #19HC00121200
Licensed Master Plumber #36BI001574100
New Jersey Plumbing Inspector HHS License #5922
New Jersey Continuing Education Instructor #94
CE SPONSOR REQUEST

On April 5, 2016, Garrett R. Pepe was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Dominic D. Demico, Jr. and seconded by Paul J. Mitchell to approve Mr. Pepe as a CE Sponsor. A vote was taken and the motion unanimously passed.

E. Peter Hammer, Master HVACR Contractor #36BI001676600
Plumbing Sub Code Official
Plumbing Inspector ICS and HHS #8131
Building Inspector RCS
Construction Official
CE SPONSOR REQUEST

On April 5, 2016, Peter Hammer was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Kevin S. Clark and seconded by Daniel G. Danko, Jr. to approve Mr. Hammer as a CE Sponsor. A vote was taken and the motion unanimously passed.

6. CONTINUING EDUCATION - Continued

- F. Paul J. Leonardi, Master HVACR Contractor #19HC00409300
HVACR Instructor- Camden County College

On April 5, 2016, Paul J. Leonardi was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Paul J. Mitchell and seconded by Daniel G. Danko, Jr. to approve Mr. Leonardi as a CE Sponsor. A vote was taken and the motion unanimously passed.

- INQUIRIES -

7. CORRESPONDENCE- February 23, 2016 – Office of the Attorney General (OAG) referral Mr. Dan O' Brien – stated objection:

“Dissatisfied with change in the Uniform Construction Code (UCC) that has taken away (his) rights to install natural gas pipe for generators. The State is allowing only HVACR contractors and plumbing contractors to run gas pipe.”

On April 5, 2016, Board Members discussed the inquiry submitted by Mr. O'Brien, and concluded in a motion made by Daniel G. Danko, Jr. and seconded by Dominic D. Demico, Jr., that this change regarding the installation of gas pipe is not a regulation governed within the Uniform Construction Code (UCC) for the State of New Jersey.

Existing New Jersey Plumbing and HVACR Statutes permit Licensed Master HVACR Contractors and Licensed Master Plumbers to perform gas piping. DAG Donofrio confirmed for the Board Members that no statutory language exists to authorize licensed electrical contractors to perform gas piping. A vote was taken and the motion unanimously passed.

8. CORRESPONDENCE – February 22, 2016– Office of the Attorney General (OAG) referral

Senator Steven Oroho – Inquiry on behalf of constituent Mrs. Milcheck regarding “...whether a landlord, who is unlicensed, can make HVAC repairs to a home he owns but currently rents.”

On April 5, 2016, the Board discussed this inquiry and concluded in a motion made by Paul J. Mitchell and seconded by Dominic D. Demico, Jr., that the landlord, in this situation, is not permitted to perform HVACR repairs to the home he owns and currently renting to tenants.

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8. Continued

CORRESPONDENCE – February 22, 2016– Office of the Attorney General (OAG) referral

Senator Steven Oroho – Inquiry on behalf of constituent Mrs. Milcheck regarding “...whether a landlord, who is unlicensed, can make HVAC repairs to a home he owns but currently rents.”

The Board, guided by the counsel of Deputy Attorney General Joseph A. Donofrio, referred to the following HVACR Statute in responding: “No, the landlord in this situation is not permitted to perform that work, based on the following regulation:

45:16A-9. Applicability of act relative to single family home owner.

9. The provisions of this act shall not apply to a single family home owner who personally occupies his own dwelling and who solely performs HVACR work on his own dwelling, upon receipt of all required permits, except that any HVACR work involving chlorofluorocarbons (CFC's) or hydrochlorofluorocarbons (HCFC's) shall be performed only by a licensed Master HVACR contractor.”

A vote was taken and the motion unanimously passed.

9. CORRESPONDENCE – FROM CONSUMER AFFAIRS - HOME IMPROVEMENT
MARCH 7, 2016

RE: John P. Martin - Licensed Master HVACR Contractor # 19HC00591200 - Active

State of New Jersey - Department of Law and Public Safety
Division of Consumer Affairs
Docket No: 15-052

In the matter of John P. Martin HVAC-R, LLC
As a Home Improvement Contractor in the State of New Jersey

Administrative Action – Final Order of Revocation of Registration
Filed February 26, 2016- Division of Consumer Affairs

A motion was made by Dominic D. Demico, Jr. and seconded by Daniel G. Danko, Jr. to seek the legal counsel of Deputy Attorney General Joseph A. Donofrio in Executive Closed Session concerning John P. Martin. A vote was taken and the motion unanimously passed. The Board did not return to report any findings in Open Session, this date.

10. ROBERT CAMPANELLI – ETHICS OFFICER - DIVISION OF CONSUMER AFFAIRS
ETHICS MODULE

Mr. Robert Campanelli conducted an ethics review session with Board Members.

Mr. Barham participated by conference call. Ms. Pranzatelli was absent and unavailable for a conference call.

Discussion - Not on the published agenda ➤

RE-VISITING JOINT MEETING OF TRADE BOARDS
MASTER PLUMBERS, HVACR, AND ELECTRICAL CONTRACTORS

MONDAY OCTOBER 16, 2015

DRAFT MINUTES #3 - installation, servicing and maintenance of condensate piping

On April 5, 2016, a motion was made by Paul J. Mitchell and seconded by Daniel G. Danko, Jr., to discuss and clarify the condensate issue at the May 5, 2016 meeting. A vote was taken and the motion unanimously passed.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Daniel G. Danko, Jr. and seconded by Paul J. Mitchell to proceed into Executive Closed Session to review consumer complaint matters, conduct investigative inquiries, discuss unlicensed advertisements, unlicensed practice matters, consider administrative closings, investigations of possible violations of applicable law, pending or anticipated litigation, matters under investigation, the DAG caseload, and review matters within the attorney-client relationship exception to the Open Public Meetings Act.

The subject of this discussion shall remain confidential until such time as the reasons for having this matter in Executive Closed Session are no longer applicable. A vote was taken and the motion unanimously passed.

Submitted by,

Rosemarie S. Baccile, Acting Executive Director